

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case no. 1:23-cr-29

v.

Hon. Paul L. Maloney
United States District Judge

TERRANCE WAYNE VANOCHTEN,

Defendant.

**DEFENDANT'S MOTION FOR AN
ENDS OF JUSTICE CONTINUANCE AND BRIEF IN SUPPORT**

The defendant, Terrance Wayne Vanochten, through his attorney, Sean R. Tilton, Assistant Federal Public Defender, hereby respectfully moves this Honorable Court to grant at least a 30-day ends of justice continuance of the final pretrial conference and the jury trial dates. This request is made pursuant to 18 U.S.C. § 3161(h)(7)(A) and Local Criminal Rule 23.1 of the Local Rules of Practice and Procedure of the United States District Court for the Western District of Michigan. The Assistant United States Attorney in this matter, Nils R. Kessler, does not object to this request.

Brief in Support

The defendant was charged by indictment on March 14, 2023, with possession of unregistered destructive devices. Mr. Vanochten made his first appearance before this Court on March 21, 2023, with undersigned counsel present. Mr. Vanochten requested court-appointed counsel at that time. He was remanded to the custody of the United States

Marshals. Mr. Vanochten returned to court with undersigned counsel on March 24, 2023, for his arraignment and initial pretrial conference hearings. The government withdrew its request for detention, and Mr. Vanochten was released on an unsecured \$20,000 appearance bond. Currently, the final pretrial conference is scheduled for May 8, 2023, and trial is scheduled for May 17, 2023.

Counsel has been reviewing this matter and the discovery provided by the government and conducting independent background investigation. Counsel needs additional time to investigate this case. Counsel is currently exploring viable pretrial motions. Further, counsel needs additional time to meet with Mr. Vanochten to advise him of his options in the instant matter. The additional time will also give Mr. Vanochten sufficient time to consider his available options to determine how to proceed in this case. This extension will provide counsel with sufficient time to work towards a negotiated resolution, or in the alternative, prepare for trial. For these reasons, counsel is requesting that Mr. Vanochten's trial dates be continued for at least 30 days. Counsel is unaware of any undue prejudice to the government that would result from this extension of time.

The authority to exclude time from the running of the 70-day period within which a defendant must be brought to trial granted to courts by 18 U.S.C. § 3161(h)(7)(A) offers "wide latitude to the judges. It allows the courts to respond to the needs of individual cases." *United States v. White*, 985 F.2d 271, 275 (6th Cir. 1993). A continuance to allow the parties additional time to explore a resolution and negotiate a plea agreement, "outweigh[s] the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(7)(A).

Mr. Vanochten submits that such a continuance is necessary and that the ends of justice would be served if a continuance were granted. Finally, Mr. Vanochten argues that a continuance is both reasonable and for good cause. Mr. Vanochten understands that he has a right to a speedy trial pursuant to 18 U.S.C. § 3161, and a signed Consent to Adjournment will be filed upon receipt.

WHEREFORE, Mr. Vanochten respectfully requests that this Honorable Court grant his request for at least a 30-day ends of justice continuance of the final pretrial conference and the jury trial dates.

Respectfully submitted,

SHARON A. TUREK
Federal Public Defender

Dated: April 18, 2023

/s/ Sean R. Tilton
SEAN R. TILTON
Assistant Federal Public Defender
50 Louis NW, Suite 300
Grand Rapids, Michigan 49503
(616) 742-7420